

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TRISTAR INVESTORS, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
AMERICAN TOWER CORPORATION, et al.,	§	
	§	
	§	
Defendants.	§	
		§ CIVIL ACTION NO. 3:12-CV-499-M
	§	
AMERICAN TOWER, LLC, et al.,	§	
	§	
Counter-Plaintiffs,	§	
	§	
v.	§	
	§	
TRISTAR INVESTORS, INC., et al.,	§	
	§	
Counter-Defendants.	§	
		§

**PLAINTIFF'S NOTICE REGARDING DEFENDANTS'
NONCOMPLIANCE WITH JUNE 19, 2013 ORDER**

On March 25, 2013, TriStar served its Fifth Set of Interrogatories on American Tower. Interrogatory No. 4 is nearly identical to American Tower's Interrogatory No. 2 that the Court ordered TriStar to fully answer on May 13, 2013 and June 6, 2013. American Tower refuses to provide a complete answer to this interrogatory despite taking issue with TriStar's response to an identical interrogatory.

Interrogatory No. 4 asks the following:

Please identify every tower site at which American tower obtained a property interest for which American Tower expended funds or resources due to TriStar's misrepresentations or other wrongful conduct that American Tower would not have expended absent

such misrepresentations or other wrongful conduct, and for each such tower site identify TriStar's misrepresentations or other wrongful conduct, the additional funds or resources American Tower expended, and every person with knowledge that American Tower expended the additional funds or resources due to TriStar's misrepresentations or other wrongful conduct.

Pl.'s App. at 12. American Tower's initial and supplemental responses do not fully answer this interrogatory. *Id.* at 4-359.¹ In particular, American Tower does not identify (1) the sites for which it has *specific evidence* that TriStar caused it to incur additional expenditures; or (2) the additional funds or resources that it expended.

American Tower's failure to fully answer Interrogatory No. 4 violates this Court's June 19, 2013 Order (Doc. 195). American Tower should be compelled to fully respond to Interrogatory No. 4, as the Court previously ordered. In lieu of a hearing, TriStar respectfully requests a telephonic conference with the Court to resolve this matter. TriStar's counsel will contact the Court to schedule the telephonic conference.

¹ American Tower served its initial responses to TriStar's Fifth Set of Interrogatories on April 24, 2013. Pl.'s App. at 4-16. The responses to Interrogatory Nos. 3 and 4 contained boilerplate objections and a short answer consisting primarily of references to documents. *Id.* at 10-13. Because these answers were incomplete, TriStar invoked the discovery protocol on June 6, 2013. The parties conferred and agreed to the Order compelling American Tower to fully respond to Interrogatory Nos. 3 and 4, which the Court entered on June 19, 2013. American Tower served its supplemental responses on June 24, 2013. *Id.* at 17-347. The following day, TriStar notified American Tower by letter that the supplemental responses were still incomplete. *Id.* at 360-63. American Tower agreed to supplement the responses again to comply with the Court's June 19, 2013 Order. *Id.* at 364-65. American Tower served its second supplemental responses on June 28, 2013. *Id.* at 348-59. While the second supplemental response more fully answers Interrogatory No. 3, American Tower's answer to Interrogatory No. 4 remains incomplete.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2013, I served a true and accurate copy of the foregoing document on all counsel of record via filing of the same with the Court's CM/ECF system.

/s/ Tyler J. Bexley